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7	Attorneys for Complainant									
8	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA									
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11	In the Matter of the Accusation Against:	Case No. 20/3-78								
12	SUSAN D. BOUDRO									
13	3 Thompson Place Red Bluff, CA 96080	ACCUSATION								
14	Registered Nurse License No. 374386									
15	Respondent.									
16										
17	Complainant alleges:									
18	PAR	TIES								
19	1. Louise R. Bailey, M.Ed., RN ("Com	plainant") brings this Accusation solely in her								
20	official capacity as Interim Executive Officer of the Board of Registered Nursing ("Board"),									
21	Department of Consumer Affairs.									
22	Registered Nurse License									
23	2. On or about August 31, 1984, the Bo	oard issued Registered Nurse License Number								
24	374386 to Susan D. Boudro ("Respondent"). Th	e registered nurse license was in full force and								
25	effect at all times relevant to the charges brought	herein and will expire on July 31, 2014, unless								
26	renewed.									
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STATUTORY PROVISIONS

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct...,
- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.
- 6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
- (c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of

the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

- 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in that Respondent has been convicted of the following crime that is substantially related to the qualifications, functions, or duties of a registered nurse:
- a. On or about August 20, 2008, in the Superior Court, County of Glenn, California in the matter entitled *People vs. Susan Dee Boudro*, 2008, Case No. 08NCR06187, Respondent was found guilty by the court of a violation of Vehicle Code section 23152, subdivision (a) (driving under the influence of a drug), a misdemeanor. The circumstances of the crime are that on January 20, 2008, Respondent was arrested for driving under the influence of a drug after her vehicle collided with a guard rail.

SECOND CAUSE FOR DISCIPLINE

(Use a Drug to an Extent or in a Manner Dangerous or Injurious to Herself)

9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in that Respondent used a drug to an extent or in a manner dangerous or injurious to herself or others.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License Number 374386, issued to Susan
 Boudro;
- 2. Ordering Susan D. Boudro to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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1	3. T	aking such other and	d further a	ection as	deemed n	ecessary	y and prop	er.	• •	
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4	DATED:	7/24/12		Marcu	Ba	· /	•			
5			(n	LOUISE Interim I	R. BAILI Executive Registere ent of Cor California	EY, M.E Officer	D., RN			
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Accusation